

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN

CoVANTAGE CREDIT UNION,

Plaintiff,

v.

BLUE CROSS BLUE SHIELD OF
MICHIGAN MUTUAL INSURANCE
COMPANY,

Defendant.

Case No. 2:21-cv-12559

Hon. David M. Lawson

Mag. Elizabeth A. Stafford

DECLARATION OF RACHEL ZIMMERMAN SCOBIE

I, Rachel Zimmerman Scobie, hereby declare as follows:

1. I am an attorney with the law firm of Merchant & Gould P.C., counsel for Plaintiff CoVantage Credit Union (“CoVantage”) in the above-captioned action.
2. I make this declaration supporting CoVantage’s Motion for Preliminary Injunction.
3. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the results of a Google search for the search term “covantage,” performed on November 2, 2021.
4. Attached hereto as Exhibit 2 is a true and correct copy of a report from the Trademark Status and Document Retrieval (“TSDR”) database of the United States Patent and Trademark Office (“USPTO”) for Registration No. 3789008 for the mark APEX COVANTAGE, formerly registered to Apex Data Services, Inc., which was canceled on December 23, 2016.

5. Attached hereto as Exhibit 3 is a true and correct copy of a report from the USPTO's TSDR database for Registration No. 1977319 for the mark COVANTAGE, formerly registered to PacifiCare Life and Health Insurance Company, which was canceled on April 10, 2020.

6. Attached hereto as Exhibit 4 is a true and correct copy of an archived version of <https://www.covantage.com>, dated February 3, 2007, captured by the Internet Archive Wayback Machine. This website announces a name change to ProcessWorks "effective immediately."

7. Attached hereto as Exhibit 5 is a true and correct copy of a report from the USPTO's TSDR database for the mark COVANTAGE HEALTH PARTNERS & DESIGN, U.S. Application Serial No. 88/677253.

8. Attached hereto as Exhibit 6 is a true and correct copy of a report from the USPTO's TSDR database for the mark COVANTAGE HEALTH PARTNERS, U.S. Application Serial No. 88/677258.

9. Attached hereto as Exhibit 7 are true and correct copies of the websites <https://emergentholdingsinc.com/covantage-health-partners/> and <https://emergentholdingsinc.com/about-us/>, which were captured on November 2, 2021.

10. Attached hereto as Exhibit 8 is a true and correct copy of the Blue Cross Blue Shield of Michigan Mutual Insurance Company and Subsidiaries, Consolidated Financial Statement as of and for the Years Ended December 31, 2020 and 2019, and Independent Auditors' Report.

11. Attached hereto as Exhibit 9 is a true and correct copy of the website <https://advantasure.com/contact/>, which was captured on November 2, 2021.

12. Attached hereto as Exhibit 10 is a true and correct copy of an Order dated August 18, 2021, suspending the Trademark Trial and Appeal Board opposition styled *CoVantage Credit Union v. Blue Cross Blue Shield of Michigan Mutual Insurance Company*, Opposition No. 91269768 (TTAB filed June 9, 2021).

13. Attached hereto as Exhibit 11 is a true and correct copy of a search report from the USPTO Trademark Electronic Search System, generated November 2, 2021, showing a portfolio of 543 active and inactive trademarks registered to the Blue Cross and Blue Shield Association.

14. Attached hereto as Exhibit 12 is a true and correct copy of a report from the USPTO's TSDR database for the mark BLUE CROSS, U.S. Registration No. 3288738.

15. Attached hereto as Exhibit 13 is a true and correct copy of a report from the USPTO's TSDR database for the mark BLUE SHIELD, U.S. Registration No. 3288737.

16. Attached hereto as Exhibit 14 is a true and correct copy of the Declaration of Use and Specimen obtained from the USPTO's TSDR database, dated August 21, 2017, that were submitted in connection with U.S. Registration No. 3288738.

17. Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Use and Specimen obtained from the USPTO's TSDR database,

dated April 28, 2017, that were submitted in connection with U.S. Registration No. 3288737.

18. Attached hereto as Exhibit 16 is a true and correct copy of an excerpt from the LinkedIn page for Covantage Health Partners, <https://www.linkedin.com/company/covantagehealthpartners/posts/?feedView=all>, captured November 3, 2021.

19. Attached hereto as Exhibit 17 is a true and correct copy of the registration certificate from the USPTO's TSDR database for the mark JOHNS HOPKINS, U.S. Registration No. 3949736.

20. Attached hereto as Exhibit 18 is a true and correct copy of the registration certificate from the USPTO's TSDR database for the mark HOPKINS, U.S. Registration No. 3949737.

21. Attached hereto as Exhibit 19 are true and correct copies of the registration certificates from the USPTO's TSDR database for the following registered trademarks: U.S. Registration No. 4818798; U.S. Registration No. 4019704; U.S. Registration No. 5816158; U.S. Registration No. 6500556; U.S. Registration No. 6075813; U.S. Registration No. 6069803; U.S. Registration No. 6059111; U.S. Registration No. 5823044; U.S. Registration No. 6053862; U.S. Registration No. 5401795; U.S. Registration No. 5433205; U.S. Registration No. 6441346; U.S. Registration No. 5541469; U.S. Registration No. 5541491; U.S. Registration No. 1580456; U.S. Registration No. 4388813; U.S. Registration No. 2423168; U.S. Registration No. 2424963; and U.S. Registration No. 2598306.

22. Attached hereto as Exhibit 20 is a letter sent by John A. Clifford to Christopher A. Mitchell on June 9, 2021, which is a record that has been maintained by Merchant & Gould in the ordinary course of business.

23. Attached hereto as Exhibit 21 are true and correct copies of the following websites, captured November 3, 2021: <https://www.bluecrosscu.com/>; <https://www.ksbcbscu.org/>; and <https://www.bcbstecu.com/>.

24. Attached hereto as Exhibit 22 is a true and correct copy of the docket sheet from the lawsuit styled *CoVantage Credit Union v. Blue Cross Blue Shield of Michigan Mutual Insurance Company*, No. 21-cv-00867 (E.D. Wis.).

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 3rd day of November 2021.



Rachel Zimmerman Scobie